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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/594,317	08/17/2007	Akira Umeda	04208.0245	2082		
22852	7590	04/13/2009	EXAMINER			
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				RAEVIS, ROBERT R		
ART UNIT		PAPER NUMBER				
2856						
MAIL DATE		DELIVERY MODE				
04/13/2009		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,317	UMEDA, AKIRA	
	Examiner	Art Unit	
	Robert R. Raevs	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 February 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-9 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 6-9, 17, 18, 21-23 is/are allowed.
- 6) Claim(s) 16, 19, 20 and 24-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claims 16,19,20,23,24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 16, “*the vibration acceleration is applied to said sensor by shaking the table in the direction of the rotation axis*” (italics added) is not consistent with claim 6 where the applied vibration acceleration is based on “rotational vibration motion” (line 5 of claim 6) which is about/around the rotation axis. Is claim 16’s “*the vibration acceleration*” (lines 2-3) a different vibration motion relative to claim 16?

As to claim 19, “generates the measurement value by measuring a motion of the table caused by *either rotational or linear shaking*” is not consistent with claim 16 which relates “*a measurement value*” (line 9, claim 6) to “*rotational vibration motion*” (line 4, claim 6). As claim 6 relates, claim 19 should not take that relation away by expressly suggesting that the motion may be linear shaking (and not rotational).

As to claim 20, “*the vibration acceleration is applied to said sensor by shaking the table in the direction of the rotation axis*” (italics added) is not consistent with claim 7 where the applied vibration acceleration is based on “*rotational vibration motion*” (line 4 of claim 7) which is about/around the rotation axis. Is claim 20’s “*the vibration acceleration*” (lines 2-3) a different vibration motion relative to claim 7?

As to claim 24, “*or linear vibration motion*” (line 4) is confusing, as it is not directed to elected (“method to measure sensitive by generating rotational vibration”) Group I. Applicant must either delete reference to “linear”, or submit a generic claim

(which would include both rotational and linear motion). The "based on using said rotational vibration motion" (line 7) limitation is confusing in view of lines 3-4 which expressly suggests that the generator may generate linear (and not necessarily rotational vibration motion). Also, "the vibration acceleration" (line 5 from last) lacks antecedent basis.

As to claim 25, "*the* vibration acceleration is applied to said sensor by shaking the table in the direction of the rotation axis" (italics added) is not consistent with claim 24 (and the elected Group I's "generating rotational vibration") where the applied vibration acceleration is based on "rotational vibration motion" (lines 3-4 of claim 24) which is about/around the rotation axis (and not in the direction of the rotational axis). Is claim 25's "the vibration acceleration" (line 2) a different vibration motion relative to claim 24's rotational vibration motion"?

As to claim 19, should "of" (last line) read --or--?

As to claim 6 and 7, it was noted the Undersigned impermissibly employed a portion (i.e. p. 14, lines 13+, to p. 15, line 22) of Applicant's own specification ("DISCLOSURE OF THE INVENTION", line 25 of p. 5). The impermissibly employed material was not in the "BACKGROUND ART". This was highlighted on p. 11 of Applicant's REMARKS.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Mon to Fri from 5:30am to 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 572-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert R. Raevis/

Primary Examiner, Art Unit 2856